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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,958	08/27/2003	Eric Hengstenberg	01234	4684

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BRETT J. TROUT  
300 S.W. 5TH  
SUITE 222  
DES MOINES, IA 50309

EXAMINER

RICHARDSON, JOHN A

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/648,958

Applicant(s)

HENGSTENBERG ET AL.

Examiner

John Richardson

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08-27-2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Non Final Rejection***

1). The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2). The disclosure is objected to because of the following informalities:

- Numerous instances where disclosure specification component numerical items and disclosure Figures component numerical items are not cross-referenced, for example, items 16, 209 Primer, on pages 4, 10, of the specification are not identified in the Figures, and items 100, 102, 144, 196, 198, 244, 270, 286, are not described in the specification disclosure.

Appropriate correction is required to confirm that all component items shown in Figures 1 to 18 are adequately described in the specification disclosure.

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3). Claims 1 to 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rousseau (U.S. 5,417,001).

The applicant's claims are for an apparatus per se for an improvement on a firearm mechanism. It is the examiner's position that for example, the limitation of **a carriage** is met by any prior art firearm mechanism comprising **a carriage** in accordance with the dictionary definition in this respect, Merriam-Webster's Collegiate Dictionary, tenth edition, that reads **a movable part of a machine for supporting some other movable object or part.**

The reference discloses a firearm mechanism comprising a grip (item 2), a casing / frame (item 1), a forwardly extending barrel (item 3), a carriage assembly comprising of items 15, 21 as shown in the isometric view in Figure 4, and said assembly comprising a trigger assembly (item 13), a hammer assembly (item 5), a catch / hook detail (items 26, 29) coupled for movement of said carriage with a button / release detail (item 23, Column 3, lines 52+), relating to claim 2, the said carriage is pivoted (item 6), relating to claim 3, a firing action is coupled to said carriage (item 5), relating to claims 4, 5, a biasing / torsion spring (item 24) is disclosed for engagement of a firing means (item 20), relating to claims 6, 8, the said release detail (item 23) contains a stop-notch (item 29) constraining rotation, relating to claims 7, 12, 13, a biasing catch / notch (item 19) is disclosed through action of a spring (item 17) in conjunction with the said firing action through item 5, relating to claims 10, 11, a pin (item 18) is secured / connected to said frame (item 1), relating to claims 13, 15, 16, a catch / hook detail (items 26, 29) coupled for movement of said carriage with a button / release detail (item 23, Column 3, lines

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52+), relating to claim 14, a pivot release detail (item 6) is disclosed connected to said frame (item 1), and relating to claim 17, a firing pocket / area is disclosed within the said carriage assembly as shown in Figure 5, at the interface between items 4, and 5.

4). Claims 18 to 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sprangers (U.S. 5,463,829).

The applicant's claims are for an apparatus per se for an improvement on a firearm mechanism. It is the examiner's position that for example, the limitation of **a carriage** is met by any prior art firearm mechanism comprising **a carriage** in accordance with the dictionary definition in this respect, Merriam-Webster's Collegiate Dictionary, tenth edition, that reads **a movable part of a machine for supporting some other movable object or part.**

The reference discloses a firearm mechanism (item 100) comprising a frame structure (item 60), a carriage assembly (item 102), said assembly comprising a hammer (item 118), a trigger (item 110), a plurality of sear (items 114, 116), a release lever / pawl / tongue (item 118) having a catch (item 166) as shown in Figure 8, and a means for biasing the action of said lever / pawl through coil / torsional spring item 121 reading on claim 19, and relating to claim 20, the reference discloses the said release lever / pawl / tongue mechanism pivoted to the said frame through pivot item 136.

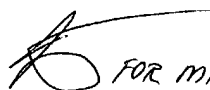
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5). The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6). Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Richardson whose telephone number is (703) 305 0764. The examiner can normally be reached on Monday to Thursday from 7.00 AM to 4.30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306 4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 305 7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1113.

 FOR MICHAEL CARONE, SPE 3641

John Richardson, PE,

April 01 2004.